
By: **Delegates Sophocleus, Cadden, Conroy, Cryor, Dypski, DeCarlo,
Glassman, Hubers, Howard, Love, Mohorovic, Parrott, Ports,
Valderrama, Wood, Riley, and V. Jones**

Introduced and read first time: February 1, 2001

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Drug Free Zones - Recreation Areas**

3 FOR the purpose of making it a felony to commit certain drug related offenses in a
4 recreation area; establishing certain penalties for committing certain drug
5 related offenses in a recreation area; establishing that a sentence imposed for
6 committing certain drug related offenses in a recreation area be served
7 consecutively to other sentences; providing that certain sentences do not merge;
8 authorizing the State or political subdivisions to post certain signs; requiring
9 certain signs to provide a certain notice; defining certain terms; and generally
10 relating to criminal law and drug free zones in recreation areas.

11 BY adding to
12 Article 27 - Crimes and Punishments
13 Section 286D-1
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 2000 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article 27 - Crimes and Punishments**

19 286D-1.

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (2) "POLITICAL SUBDIVISION" MEANS:

23 (I) A COUNTY;

24 (II) A MUNICIPAL CORPORATION;

25 (III) A SPECIAL TAXING DISTRICT;

1 (IV) THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
2 COMMISSION; OR

3 (V) THE WASHINGTON SUBURBAN SANITARY COMMISSION.

4 (3) "RECREATION AREA" INCLUDES PROPERTY THAT IS:

5 (I) OWNED OR OPERATED BY THE STATE OR A POLITICAL
6 SUBDIVISION OF THE STATE; AND

7 (II) MAINTAINED AS A FOREST, PARK, PUBLIC PARKLAND,
8 WILDLAND, OR OPEN AREA, OR RECREATION AREA.

9 (B) (1) A PERSON MAY NOT MANUFACTURE, DISTRIBUTE, DISPENSE, OR
10 POSSESS WITH INTENT TO DISTRIBUTE A CONTROLLED DANGEROUS SUBSTANCE IN
11 VIOLATION OF § 286(A)(1) OF THIS SUBHEADING, OR CONSPIRE TO COMMIT ANY OF
12 THESE OFFENSES, IN A RECREATION AREA.

13 (2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A FELONY
14 AND, ON CONVICTION, IS SUBJECT TO:

15 (I) FOR A FIRST OFFENSE, IMPRISONMENT FOR NOT MORE THAN
16 20 YEARS OR A FINE OF NOT MORE THAN \$20,000 OR BOTH; OR

17 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT
18 FOR NOT LESS THAN 5 OR MORE THAN 40 YEARS OR A FINE OF NOT MORE THAN
19 \$40,000 OR BOTH.

20 (3) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE SERVED
21 CONSECUTIVELY TO ANY OTHER SENTENCE IMPOSED.

22 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A CONVICTION
23 ARISING UNDER THIS SECTION MAY NOT MERGE WITH A CONVICTION FOR A
24 VIOLATION OF § 286 OR § 286C OF THIS SUBHEADING.

25 (D) (1) THE STATE OR A POLITICAL SUBDIVISION OF THE STATE MAY POST
26 SIGNS DESIGNATING A RECREATION AREA TO BE A "DRUG FREE ZONE".

27 (2) THE SIGNS SHALL BE DESIGNED TO PROVIDE NOTICE OF THE
28 PROVISIONS OF THIS SECTION.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2001.